IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.392 OF 2003

Shri. Nandkumar Vishnu Sutar ...Applicant
Vs.
Shri. Bahubali Zillha Nagri Sahkari
Pat Sanstha Maryadit ...Respondent

Shri. S.P. Chaudhary i/by Ms Leena Patil for the Applicant.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 31, 2005.

P.C.:

1. Heard the advocate appearing for the Applicant and the learned A.P.P. for the State. The Applicant is an accused in a complaint under section 138 of the Negotiable Instruments Act, 1881. By order dated 06th October, 2001, the learned Judicial Magistrate, First Class, Miraj recalled the order of issuance of process on the basis of the Application made by the Applicant. In Revision Application preferred by the original complainant, the order of the learned Magistrate has been set aside and the original order issuing process has been restored. The challenge in this Revision Application is to the said order of the Revisional Court.

2. In the recent decision of the Apex Court in the case of Adalat Prasad, the Apex Court has held that the Application for recall of process is not maintainable. In view of the law laid down by the

Apex Court, no fault can be found with the impugned Judgment and Order. Hence, Revision Application is rejected. It is made clear that all contentions of the Applicant on merits are expressely kept open.

JUDGE